

DEPARTMENT OF THE ARMY PERMIT

Permittee: Florida Department of Transportation - District Seven

Permit No: SAJ-2008-2056 (IP-JPF)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, mean the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to impact approximately 0.94 acre of wetlands to construct improvements of the off ramps to State Road 60 off of the northbound lane of I-275. The applicant states that the project design reflects all practicable measures for avoidance and minimization of impacts. As mitigation for the project impacts, the applicant proposes to provide mitigation at the Mobbly Bayou Wilderness Preserve mitigation site via the FDOT Mitigation Plan pursuant to 373.4137 (F.S.). The project is referenced by FDOT as FPID Number 4125313.

Geographic Position (Center Point of Project):

Latitude 27.943295

Longitude -82.543126

Project Location: The project site involves proposed impacts to wetlands and surface waters located along the off ramps to State Road 60 off of the northbound lane of I-275, in Section 19, Township 29 South, Range 18 East, Hillsborough County, Florida. The project is within the Tampa Bay Watershed.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **December 22, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer,

you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. **Reporting Address:** All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: **U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 10117 Princess Palm Avenue, Suite 120, Tampa, FL 33610-8302.** The Permittee shall reference this permit number, SAJ-2008-2056 (IP - JPF), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **In-Lieu Fee Credit Purchase:** Within 30 days from the date of initiating the authorized work or 12 months from the effective date of this permit, whichever first occurs, the Permittee shall provide verification to the Corps that mitigation equivalent to 0.50 units of wetland function has been funded via the FDOT Mitigation Plan pursuant to 373.4137 (F.S.) at the Mobbly Bayou Wilderness Preserve mitigation site (SW 86). The required verification shall reference this project's permit number, SAJ-2008-2056 (IP-JPF).

4. **As-Builts:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. Erosion Control: Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, and local authorization required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.


6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


(PERMITTEE)

12/23/08
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


(DISTRICT ENGINEER)
Paul L. Grosskruger
Colonel, U.S. Army

12/30/08
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE - SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
GENERAL CONSTRUCTION MODIFICATION
PERMIT NO. 44002958.009

Expiration Date: December 2, 2013

PERMIT ISSUE DATE: December 2, 2008

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: FDOT - I-275 Northbound Exit Ramp to State Road 60 (Memorial Highway)

GRANTED TO: Florida Department of Transportation, District VII
11201 North McKinley Drive
Tampa, FL 33612-6403

ABSTRACT: This permit authorization is for the construction of a new surface water management system serving a 0.94-mile of operational improvements for the northbound I-275 exit ramps to State Road 60 East (Kennedy Boulevard) and State Road 60 West (Memorial Highway). The existing exit ramps will be combined into a single, dual lane exit ramp and relocated to the west of the existing ramp exits. A third auxiliary lane will be added to the new two-lane ramp before splitting into individual ramp movements: Two lanes to State Road 60 East and one lane to State Road 60 West. This design is compatible with the planned ultimate Memorial Interchange improvements under ERP No. 44002958.006 (FDOT - State Road 93 (I-275, Segment 1A) Stage II) to the greatest extent possible. Runoff from the proposed areas will not be treated. However, equivalent treatment will be provided for commercial and transportation areas associated with Kennedy Boulevard and Memorial Highway as compensation. The project proposes 1.84 acres of impervious area for a total project impervious area of 9.19 acres. The total area draining to Kennedy Boulevard stormwater system is 19.69 acres of which 14.89 acres are impervious. Compensatory treatment is provided for the project area by diverting runoff from Kennedy Boulevard storm sewer system to Pond 2 via a "smart box" (diversion) structure. Pond 2 is an existing, unpermitted wet pond that will be reconfigured to provide treatment and attenuation. The water quality treatment method will be wet detention. It was demonstrated that the 25-year/24-hour design high water will be below the top of bank elevation.

OP. & MAINT. ENTITY: Florida Department of Transportation, District VII

COUNTY: Hillsborough

SEC/TWP/RGE: 19/29S/18E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 189.20

PROJECT SIZE: 9.20 Acres

LAND USE: Road Project

DATE APPLICATION FILED: July 28, 2008

AMENDED DATE: N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
2	1.58	Wet Detention
TOTAL	1.58	

A mixing zone is not required.
A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type	Encroachment Result (feet)
0.00	0.00	N/A	N/A

III. Environmental Considerations

Wetland/Other Surface Water Information

Count: 1

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
W-1	4.95	4.01	0.94	0.50	0.00	0.00
Total:	4.95	4.01	0.94	0.50	0.00	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

There is a 0.94-acre impact to a mangrove dominated shoreline for the construction of the I-275 northbound exist ramp to Highway 60. The impact area was reviewed using the Uniform Mitigation Assessment Method (UMAM) rendering 0.50 unit of functional loss. Mitigation for the 0.94-acre wetland impact will be provided through the FDOT 2009 Mitigation Plan, in accordance with Chapter 373.4137, F.S.

A regulatory conservation easement is not required.

A proprietary conservation easement is not required.

SPECIFIC CONDITIONS

- If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.

2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Tampa Regulation Department
Southwest Florida Water Management District
7601 U.S. Highway 301 North
Tampa, FL 33637-6759

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.

3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.
4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Tampa Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1.659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.
6. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:
 - a. wetland and surface water areas, and
 - b. limits of approved wetland impacts.

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

7. The Permittee, the Florida Department of Transportation, shall submit to the District a site-specific plan for erosion and sediment control best management practices, pursuant to Section 104, FDOT Standard Specifications for Road and Bridge Construction. The Permittee shall submit this plan and receive District approval prior to construction commencement.
8. The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule.

For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.
9. The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless otherwise approved by the District. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Surface Water Regulation Manager, Tampa Service Office.

10. This modification, Construction Permit No. 44002958.009, amends the previously issued Construction Permit No. 44002958.006, and adds conditions. All other original permit conditions remain in effect.
11. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.
12. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.



Authorized Signature

EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
4. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

**ERP General Conditions
Individual (Construction, Conceptual, Mitigation Banks), General,
Incidental Site Activities, Minor Systems**

6. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
7. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
8. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
9. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
10. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
11. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.
13. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
14. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

**ERP General Conditions
Individual (Construction, Conceptual, Mitigation Banks), General,
Incidental Site Activities, Minor Systems**

**PART II HEARINGS INVOLVING
DISPUTED ISSUES OF MATERIAL FACT**

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 ½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

Specific Authority 120.54(3), (5) F.S. Law Implemented 120.54(5), 120.569, 120.57 F.S. History—New 4-1-97, Amended 9-17-98.

**PART III PROCEEDINGS AND HEARINGS
NOT INVOLVING DISPUTED ISSUES OF
MATERIAL FACT**

28-106.301 Initiation of Proceedings

(1) Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document which requests a proceeding. Each petition shall be legible and on 8 ½ by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(e) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(f) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this Rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.

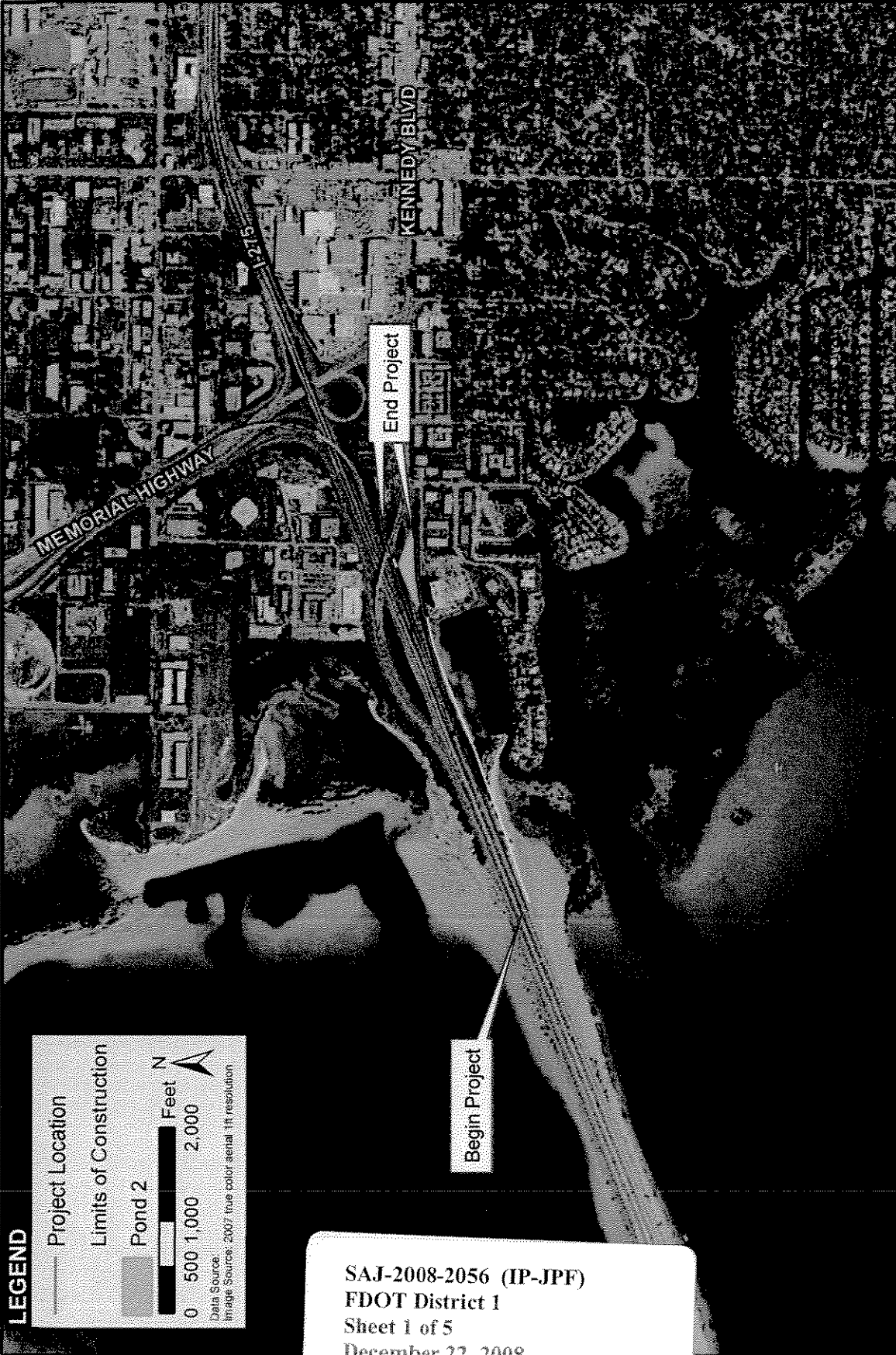
Specific Authority 120.54(5) F.S. Law Implemented 120.54(5), 120.569, 120.57 F.S. History—New 4-1-97, Amended 9-17-98.

G:\Projects\431\mxd\location.mxd

LEGEND



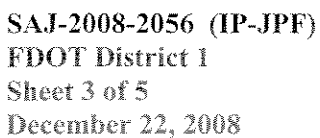
SAJ-2008-2056 (IP-JPF)
FDOT District 1
Sheet 1 of 5
December 22, 2008

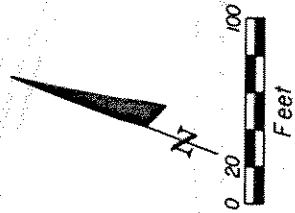


I-275 NB AT SR 60 EAST (KENNEDY BLVD)
AND SR60 WEST (MEMORIAL HWY)
Hillsborough County, Florida
FM No. 4125313

PROJECT LOCATION MAP

Figure 1

[illegible]



Q SURVEY 1-275

100

1-275

FILL
2592.5SF
0.060 AC

N 68° 20' 49" E 10

B RAMP A

PERMANENT IMPACTS
1641.7 SF
0.038 AC

R/W

WETLAND W-1

SAJ-2008-2056 (IP-JPF)
FDOT District 1
Sheet 4 of 5
December 22, 2008

PREVIOUS PERMITS:
ACOE: SAJ-2005-3876-IP-JPF
SWFWMD: 44002958.006

- LEGEND**
- PERMANENT IMPACTS
 - FILL
 - MITIGATED IMPACTS

R/W

WETLAND G

15

25

70

WETLAND F

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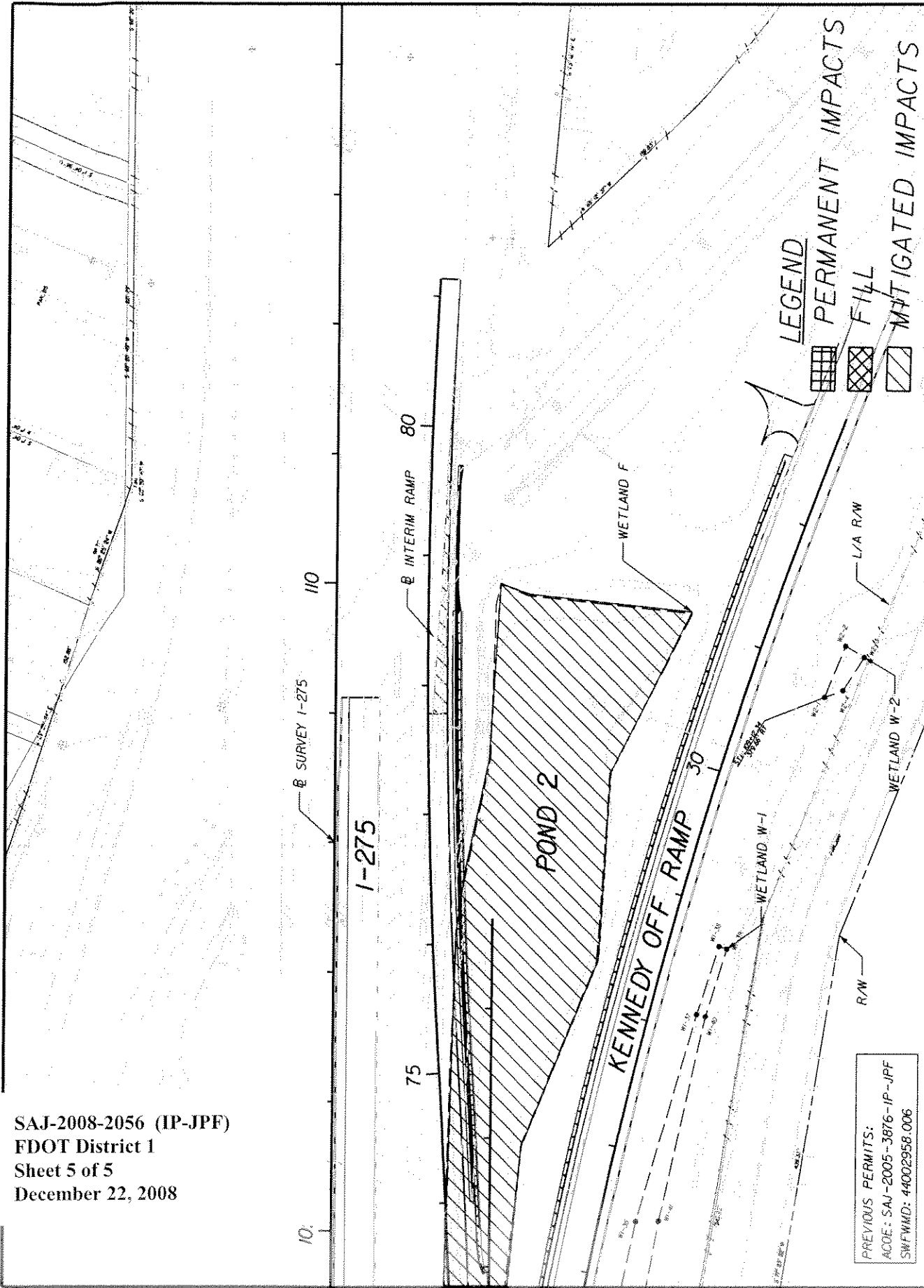
DATE	DESCRIPTION	REVISION	DATE

INTB
10210 HIGHLAND MANOR DR
SUITE 140
TAMPA, FL 33610
(813) 246-5527
CERT. OF AUTH. NO. 6800
DOUGLAS J. BURKHART, P.E. NO. 40900

STATE OF FLORIDA	DEPARTMENT OF TRANSPORTATION
ROAD NO. SR 93	COUNTY HILLSBOROUGH
FINANCIAL PROJECT ID 412531-3-52-01	

DREDGE & FILL PLAN SHEET (03)	
WETLANDS W-1, F, G	
SHEET NO.	3

SAJ-2008-2056 (IP-JPF)
 FDOT District 1
 Sheet 5 of 5
 December 22, 2008



HNTB 10210 HIGHLAND MANOR DR SUITE 140 TAMPA, FL 33610 (813) 240-6627 CERT. OF AUTH. NO. 0500 DOUGLAS J. BURKHART, P.E. NO. 40000		STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION ROAD NO. SR 93 COUNTY HILLSBOROUGH FINANCIAL PROJECT ID 412531-3-52-01	DREDGE & FILL PLAN SHEET (04) WETLANDS W-1, W-2, F	SHEET NO. 04
REVISIONS DATE DESCRIPTION				

12/22/2008 12:58 PM J:\WORKS\2008\2008-2056\IP-JPF\WETLANDS\W-1, W-2, F\DWG.DWG

December 22, 2008

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and Statement of Finding for Above-Numbered Permit Application

1. Applicant: FDOT District Seven
11021 North McKinley Drive
Tampa, FL 33612
2. Location, Geographic Position, Existing Conditions, Project Description, Changes to Project:
 - a. Location: The project site involves proposed impacts to wetlands and surface waters located along the off ramps to State Road 60 off of the northbound lane of I-275, in Section 19, Township 29 South, Range 18 East, Hillsborough County, Florida. The project is within the Tampa Bay Watershed.
 - b. Latitude/Longitude:

Latitude	27.943295
Longitude	-82.543126
 - c. Existing Site Conditions: The wetland system consists of an estuarine system. The onsite vegetation predominantly consists of black mangroves. The existing area surrounding the project area consists of highway to the north, and open water to the south.
 - d. Initial Project Description As Shown on the Application: The applicant proposes to impact approximately 0.7 acre of waters of the United States for the off ramp improvements. The entire 0.7 acre of impact is to mangrove wetlands. The applicant states that the project design reflects all practicable measures for avoidance and minimization of impacts, including for the siting of the stormwater management system. As mitigation for the project impacts, the applicant proposes to provide mitigation via the FDOT Mitigation Plan pursuant to 373.4137 (F.S.).
 - e. Final Project Description: The applicant provided a revised figure of 0.94 acre for the project's permanent impacts, and specified that the mitigation will be performed at the Mobbly Bayou Wilderness Preserve. Otherwise, the final project description is the same as the initial project description.
3. Project Purpose:
 - a. Basic: To modify an interstate highway off ramp to improve transportation safety

b. Overall: To replace the existing two off ramps with a single, three-lane ramp to meet a need for transportation safety at the project location

4. Scope of Analysis: The overall area under consideration measures approximately 189 acres, including the wetlands described above.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344), as amended.

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State water quality certification (WQC): The Southwest Florida Water Management District (SWFWMD) issued an Environmental Resource Individual Construction Permit (ERP) for the project on December 2, 2008.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida CZM. Issuance of a DEP/WMD permit will certify that the project is consistent with the CZM plan.

c. Other authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments:

a. Pre-application meeting(s): NA

b. Important dates: The Corps received the application for the project on April 30, 2008, considered it complete on July 2, 2008, and sent a public notice on August 03, 2008, to all interested parties including appropriate State and Federal agencies.

c. Public notice comments: The Corps has reviewed all of the comments submitted in response to the circulation of the public notice. The Corps has summarized these comments below:

- (1) U.S. Environmental Protection Agency (EPA): EPA did not respond to the public notice.
- (2) U.S. Fish and Wildlife Service (USFWS): The USFWS responded to the public notice and the Corps' request for informal coordination on August 27,

2008. The USFWS concurred with the Corps' 'may affect, not likely to adversely affect' determination for the wood stork and the West Indian manatee, and stated that the proposed action will not significantly affect other fish and wildlife resources.

- (3) National Marine Fisheries Service (NMFS): The NMFS responded to the public notice and the Essential Fish Habitat Assessment provided by the applicant on September 23, 2008. The NMFS stated that because the project will not impact any mangroves and there is no in-water work, any adverse effects that might occur on marine and anadromous fishery resources will be minimal, and they did not object to issuance of the permit.
- (4) State Historic Preservation Officer (SHPO): The SHPO did not respond to the public notice.
- (5) State and local agencies: NA
- (6) Organizations: NA
- (7) Individuals: NA
- (8) Others Including Internal Coordination: NA

d. Response to the comments: No coordination of the comments was necessary.

e. Additional Coordination of Project Revisions: No other coordination was necessary.

8. Alternatives

a. Avoidance: The current proposal has taken into consideration avoidance. The project site was the most practicable location for the activity.

b. Minimization: The project was planned and designed with a view to minimizing impacts to wetland resources.

c. Project As Proposed: The current project requires the placement of fill into waters of the United States to allow the applicant to address the need for improved infrastructure.

d. Conclusions of Alternatives Analysis: The applicant has provided an acceptable

mitigation plan to compensate for unavoidable wetland impacts. The current proposal of 0.94 acres of permanent impacts to wetlands and surface waters is the least damaging, practicable alternative.

9. Evaluation of the 404(b)(1) Guidelines: The Corps reviewed the proposed project in accordance with the 404(b)(1) Guidelines. The review demonstrates that the Corps analyzed all of the alternatives and that the proposed alternative is the least environmentally damaging and practicable alternative considering expense, existing technology, and logistics. The project would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or affect a marine sanctuary. The Corps does not expect significant degradation and the applicant has taken all available practicable steps to minimize impacts.

10. Public interest review:

a. Public interest factors: The Corps reviewed all of the public interest factors including, but not limited to, the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. The Corps has determined that the proposed work will not adversely affect any of the public interest factors.

b. Describe the relative extent of the public and private need for the proposed structure or work: Public and private needs include improved transportation infrastructure.

c. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

d. Describe the extent and permanence of the beneficial and/or detrimental effects, which the proposed work is likely to have on the public, and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects associated with utilization of the property would be permanent.

e. Threatened or endangered species: The proposed project will not affect any threatened or endangered species based on the information supplied by the applicant and the August 27, 2008, comments from the USFWS.

f. Corps wetland policy: The proposed wetland alteration is necessary to realize the project purpose. The proposed work should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The proposed mitigation adequately offsets the wetland impacts. Therefore, the project is in accordance with the Corps wetland policy.

g. Cumulative and secondary Impacts: The issue of cumulative impacts has been addressed. The proposed impacts will not result in cumulative or secondary impacts to the remaining wetlands within the general area.

h. Corps analysis of comments and responses: The Corps did not receive any comments in response to the public notice. There are no unresolved issues.

11. Essential Fisheries Habitat (EFH): The project would not adversely affect Essential Fish Habitat.

12. Public Hearing Evaluation: No requests were received for a public hearing.

13. Determinations:

a. Finding of No Significant Impact (FONSI): Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) Guidelines: Having completed the evaluation in paragraph 8 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed de minimis levels of direct or indirect emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.


d. Public Interest Determination: I find that issuance of a Department of the Army

CESAI-RD-ST SAJ-2008-2056 (IP-JPF)

SUBJECT: Department of the Army Environmental Assessment and Statement of Findings for the Above-Numbered Permit Application

permit is not contrary to the public interest.

PREPARED BY:



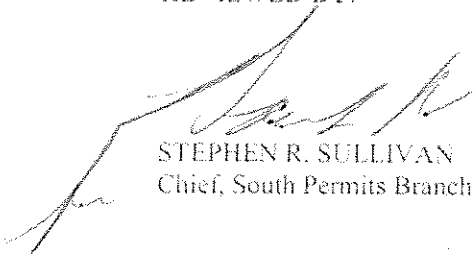
JOHN P. FELLOWS
Project Manager, Tampa Section

REVIEWED BY:



CHARLES A. SCHNEPEL
Chief, Tampa Section

REVIEWED BY:



STEPHEN R. SULLIVAN
Chief, South Permits Branch

APPROVED BY:



PAUL L. GROSSKRUGER
Commanding